REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of March 17, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claim Rejections – 35 USC § 103

Claims 1-10 and 13-21, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of U.S. Published Patent Application 2002/0178018 to Gillis (hereinafter Gillis). Claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka.

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims so as to expedite prosecution of the present application. However, such amendments should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 9, and 13 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments. Independent Claim 24 has been cancelled.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by

amended Claim 1, is a method for rebooking a passenger who is unable to travel on a scheduled flight on a carrier.

The method can include receiving a rebooking request from the passenger; determining at least one rebooking flight candidate according to rebooking rules based on passenger data for the passenger and flight operations data; presenting the determined at least one rebooking flight candidate to the passenger with an incentive for encouraging the passenger to select a rebooking flight candidate preferred by the carrier; prompting the passenger to select one of the presented at least one rebooking flight candidate; and rebooking the passenger on the selected rebooking flight candidate. See, e.g., Specification, paragraphs [0020], [0023] and [0028].

The Claims Define Over The Prior Art

As already discussed in the previous response, Slivka discloses a method of _automatically_ selecting passenger re-accommodation based on customer value and remaining ticket value. In contrast, the present invention provides a method to collect a series of options for each passenger and offer those options to the passenger for selection. Using Slivka' method, a passenger may be re-accommodated in a way that is mathematically correct based solely upon the airline's rules, but is not desirable to the passenger for reasons known only to the passenger. For example, first flight out may not be what the passenger wants even though it is a mathematically more valuable option selected by the algorithm specified in Slivka.

It is noted that Slivka delivers a message to the passenger after re-accommodation is determined (see paragraphs [0028] and [0029]). However, Slivka does not present the passenger with a list of rebooking flight candidate options for the passenger to select.

It is also noted that Slivka does not disclose using any incentives to encourage the passenger to select the rebooking flight candidate preferred by the carrier as recited in

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independent Claims 1, 9, and 13. In the present invention, for example as shown in Fig. 4, the rebooking flight candidate 404 that is most preferred by the airline provides the passenger with an incentive such as a first class upgrade (see paragraph [0027]).

Gillis discloses in paragraph [0032] that information indicative of the alternative flight or flights may be transmitted from the mainframe to the customer's portable computing device and the customer may be prompted to indicate whether he or she approves the alternative flight proposed by the mainframe. It is noted that although the passenger can disapprove the alternative flight selected by the mainframe, the passenger cannot actively select one rebooking flight candidates from the list presented to the passenger.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 9, and 13, as amended. Applicants therefore respectfully submit that amended Claims 1, 9, and 13 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 9, or 13 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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